

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Gary D. Scheff,)	
)	
Plaintiff,)	ORDER
)	
vs.)	
)	
Blue Cross Blue Shield of North Dakota,)	Case No. 4:15-cv-173
)	
Defendant.)	

On November 16, 2016, the court granted the parties' "Joint Motion for an Order Adopting Stipulations of Parties Regarding the Filing of an Amended Complaint and a Stay of Proceedings to Permit Consideration of Plaintiff's Claim by the Claims Administrator." In so doing it ordered:

Plaintiff shall have until November 30, 2016, to file an Amended Complaint setting forth a single count under ERISA 502(a)(1)(B), 29 U.S.C. § 1132(a)(1) (B). Plaintiff shall submit a claim for benefits to Defendant Blue Cross Blue Shield of North Dakota ("BCBSND"), as claims administrator, for determination of the claim as if the claim were submitted for the first time, without any presumption that the prior determination of plaintiff's claim was correct, and with a right to seek review by a claims administrator within 180 days notice of the determination of the claim in the event that the determination of the claim is adverse. Further proceedings in this matter shall be stayed until August 14, 2017. Counsel for BCBSND shall submit a status report to the court regarding the status of plaintiff's claim (without comment on the claim's merits) on February 20, 2017.

(Doc. No. 32). Thereafter, plaintiff filed an Amended Complaint and defendant filed a status report as directed.

It is nearing one-year passed since defendant filed its status report. The court therefore directs defendant to file a supplemental report by March 5, 2018, briefly updating the court on the status of plaintiff's claim.

IT IS SO ORDERED.

Dated this 5th day of February, 2018.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr., Magistrate Judge
United States District Court